

U.S. Customs Service

Proposed Rulemaking

19 CFR Chapter 1

PUBLIC MEETINGS: DEVELOPMENT OF REGULATIONS REGARDING MANDATORY ADVANCED ELECTRONIC CARGO INFORMATION

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of meetings.

SUMMARY: This document announces that Customs will hold a series of public meetings in accordance with section 343(a) of the Trade Act of 2002 to assist in the development of proposed regulations to provide for the mandatory collection by Customs of electronic cargo information prior to importation into or exportation from the United States. Separate meetings will be held to address specific importation/exportation issues pertaining to air, sea, truck and rail cargo. The meetings are open to interested members of the trade community.

DATES: The meetings to discuss mandatory advanced collection of electronic information pertaining to cargo are scheduled for the following dates:

- Air cargo: January 14, 2003;
- Truck cargo: January 16, 2003;
- Rail cargo: January 21, 2003; and
- Sea cargo: January 23, 2003.

ADDRESSES: All meetings will be held from 10:00 a.m. to 3:00 p.m. in room B1.5–10 of the Ronald Reagan Building located at 1300 Pennsylvania Avenue, N.W., Washington, D.C. Interested parties must provide Customs with notice of intent to attend a particular meeting at least 5 business days prior to the scheduled date for that meeting. Notice may be provided to Robyn Day at (202) 927–1440 or via email at traderelations@customs.treas.gov.

FOR FURTHER INFORMATION CONTACT: Robyn Day, U.S. Customs Service, Office of Trade Relations, at (202) 927–1440 or via email at traderelations@customs.treas.gov.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 343(a) of the Trade Act of 2002 (the Act), Public Law 107-210, was signed into law on August 6, 2002. Section 343(a) directs the Secretary of the Treasury to promulgate regulations, within one year of enactment of the Act, to provide for the mandatory collection by Customs of electronic cargo information prior to importation into or exportation from the United States. In the course of developing such regulations, section 343(a) directs the Secretary to solicit comments from and consult with a broad range of parties likely to be affected by the regulations, including importers, exporters, carriers, customs brokers, and freight forwarders.

Section 343(a) requires that the electronic cargo information required under the regulations be reasonably necessary to ensure aviation, maritime and surface transportation safety and security pursuant to those laws enforced and administered by Customs. The requirements to provide particular information generally is to be imposed on the party (*e.g.* exporter, importer, carrier, broker) most likely to have direct knowledge of the cargo information. Additionally, the statute requires the Secretary to take specific factors into consideration in the development and promulgation of the regulations, including:

- The existence of competitive relationships among parties upon which the information collection requirements will be imposed;
- Differences among cargo carriers that arise from varying modes of transportation, different commercial practices and operational characteristics, and the technological capacity to collect and transmit information;
- The need for interim requirements to reflect the technology that is available at the time of promulgation of the regulations for purposes of transmitting/receiving/analyzing electronic information; and
- The need for transition periods and differences in transition times among modes of transportation.

This notice announces that Customs will hold a series of public meetings to assist in the development of proposed regulations pertaining to the mandatory advanced collection of electronic cargo information, with particular emphasis on the specific issues addressed above. Separate meetings will be held to address specific importation/exportation issues pertaining to air, sea, truck and rail cargo. The meetings are open to interested members of the trade community, however space is limited. The meetings are scheduled for the following dates:

- Air cargo: January 14, 2003;
- Truck cargo: January 16, 2003;
- Rail cargo: January 21, 2003; and
- Sea cargo: January 23, 2003.

All meetings will be held from 10:00 a.m. to 3:00 p.m. in room B1.5-10 of the Ronald Reagan Building located at 1300 Pennsylvania Avenue,

N.W., Washington, D.C. Interested parties must provide Customs with notice of their intent to attend a particular meeting at least 5 business days prior to the scheduled date for that meeting. Notice may be provided to Robyn Day at (202) 927-1440 or via email at traderelations@customs.treas.gov. It is suggested that interested parties provide advance notice of intent to attend a particular meeting, as space is limited and attendance may be restricted accordingly.

It is noted that proposed legislation is currently pending (S. 1214, the Maritime Transportation Security Act) which may amend section 343 of the Trade Act of 2002. Any updates pertaining to either the substance or logistics of the scheduled meetings will be available on the Customs Internet web site at www.customs.treas.gov/rlf.

Dated: November 20, 2002.

MICHAEL SCHMITZ,
*Assistant Commissioner,
Office of Regulations and Rulings.*

[Published in the Federal Register, November 26, 2002 (67 FR 70706)]

19 CFR Parts 122 and 123

RIN 1515-AC73

PRIVATE AIRCRAFT PROGRAMS: ESTABLISHMENT OF THE GENERAL AVIATION TELEPHONIC ENTRY (GATE) PROGRAM AND REVISIONS TO THE OVERFLIGHT PROGRAM

AGENCY: Customs Service, Treasury.

ACTION: Notice of withdrawal of proposed rulemaking.

SUMMARY: This document informs the public that Customs has decided to withdraw its proposal to both establish a regulatory framework for the General Aviation Telephonic Entry (GATE) Program and revise the Overflight Program regulations. The withdrawal of the proposed rulemaking is based on Customs reconsideration of all aircraft entry procedures since the events of September 11, 2001.

EFFECTIVE DATE: December 2, 2002.

FOR FURTHER INFORMATION CONTACT: Elizabeth Tritt, Passenger Processing, Office of Field Operations; telephone (202) 927-4434.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 3, 2001, Customs published a document in the Federal Register (66 FR 40649) proposing to amend the Customs Regulations

pertaining to private aircraft programs. The amendments proposed to establish the General Aviation Telephonic Entry (GATE) Program—a voluntary program that was designed to facilitate Customs processing of certain pre-qualified frequent travelers on pre-registered general aviation aircraft arriving in the United States directly from Canada.

The amendments also proposed to revise certain aspects of the Overflight Program—a voluntary program that exempts certain private aircraft arriving in the continental United States via certain areas south of the United States from the special landing requirement applicable to such aircraft. The proposed revisions of the Overflight Program would have modified the application process to standardize and streamline the information required and provide for centralized processing of requests for overflight privileges.

Comments on the proposed amendment to the Customs Regulations were solicited for 60 days.

Six comments were received in response to this proposal. All of the comments were favorable to the private aircraft programs, but certain clarifications were requested.

The GATE Program had been operated on a test basis and allowed participating aircraft to report its arrival information to Customs telephonically and exempted to some degree participating frequent travelers in compliance with the program's requirements from the general Customs requirements concerning entry into the United States. On September 11, 2001, the GATE Program was indefinitely suspended following the terrorist attacks on the United States. On August 3, 2002, the program was discontinued. Consistent with the discontinuation of the GATE test, Customs has determined not to proceed with establishing the program in the regulations.

Regarding the proposed revisions to the Overflight Program, Customs has carefully considered the comments received and further reviewed the matter. Taking into consideration the enhanced security concerns following the events of September 11, 2001, Customs has concluded that the proposed amendments concerning the Overflight Program must be further revised concerning advance notice of arrival issues. Customs anticipates issuing a new proposal in the near future regarding changes to the Overflight Program. In accordance with the above discussion, Customs is withdrawing the proposal it published August 3, 2001.

ROBERT C. BONNER,
Commissioner of Customs.

Approved: November 25, 2002.

TIMOTHY E. SKUD,
Deputy Assistant Secretary of the Treasury.

[Published in the Federal Register, December 2, 2002 (67 FR 71512)]